IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE ELIPE DHARMA RAO

WRIT PETITION NO : 9572 of 2005

Between:

Inti Hanumantha Rao, S/o. Late Venkaiah,
Krishna District.

..... PETITIONER

AND

1 The Assistant Commissioner of Endowments,

Vijayawada, Krishna District.
2 The Office of the Person in Management,

Sri Kodanda Rama Swamyvari Devastnam, Venkatapuram

Village, Kalidindi Mandal, Krishna District.

...RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to Issue a writ, order or direction more particularly one in the nature of writ of Mandamus declaring the proceedings in D.Dis.No.A5/5604/2004 dt. 13.12.2004 (received on 26-3-2005) is arbitrary, illegal and contrary to the explanation under sec. 82 of the A.P. Charitable and Hindu Religious Institutions & Endowments Act, 1987 and consequently to set aside the order dt. 13.12.2004 passed by the 1st respondent.

Counsel for the Petitioner: MR.B.SOMASEKHAR

Counsel for the Respondent No.2: MR.I.INDRANI, Standing Counsel

Counsel for the Respondent No.1: G.P. FOR ENDOWMENTS.

This Court at the admission stage made the following:

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O R D E R:

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Questioning the proceedings dated 13.12.2004, issued by the 1st respondent, Assistant Commissioner of Endowments, directing the 2nd respondent to resume the land and conduct public action, the petitioner filed the writ petition.

It is the case of the petitioner that he is the lessee of certain lands belonging to the 2nd respondent temple, Sri Kodanda Rama Swamyvari Devasthanam, Venkatapuram village, Kalidindi Mandal, Krishna District, and is paying lease amounts regularly. When the 2nd respondent issued a notice, dated 26.4.2004, directing him to hand over the possession of the lands, he filed W.P.No.10880 of 2003. The said writ petition was disposed of on 12.6.2003, with certain directions to the respondents therein. Pursuant to the orders in the writ petition, the petitioner made an application on 1.7.2003 to the 1st respondent, to declare him as a landless poor person. The said application was dismissed by the 1st respondent through order dated 13.12.2003. Aggrieved by the same, the present writ petition is filed.

Heard the learned Counsel for petitioner and the learned Government Pleader for Endowments.

Under the A.P. Charitable and Hindu Religious Institutions and Endowments Act, 1987 (for short "the Act"), an appeal is provided to the Regional Joint Commissioner of Endowments against the order passed by the Assistant Commissioner. Without availing the said remedy of appeal provided under the Act, the petitioner straight away filed this writ petition, which is not maintainable.

The writ petition is accordingly dismissed at the stage of admission, leaving it open to the petitioner to approach the appellate authority under the Act. It is directed that

the petitioner shall be continued in possession till the disposal of the appeal, if he was not dispossessed by virtue of the impugned order. No order as to costs.

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26th April 2005

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To

1 The Assistant Commissioner of Endowments,

Vijayawada, Krishna District.

2 The Person in Management,

Sri Kodanda Rama Swamyvari Devastnam, Venkatapuram

Village, Kalidindi Mandal, Krishna District.

3 Two C.Cs to the Govt.Pleader for Endowments,

High Court buildings, Hyderabad, (OUT).

4 Two C.D.copies.